

FILED

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2008 JUL 15 AM 9:17

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ortencia MACIAS

Defendant,

BY  DEPUTY

Magistrate Case Number: _____


COMPLAINT FOR VIOLATION OF

Title 21, U.S.C., Sections 952 and 960
Importation of a Controlled Substance

The undersigned complaint being duly sworn states:

On or about July 14, 2008, within the Southern District of California, Ortencia MACIAS, did knowingly and intentionally import approximately 76.05 kilograms of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
SPECIAL AGENT
U.S. IMMIGRATION and
CUSTOMS ENFORCEMENT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 15th DAY OF JULY, 2008.


MAGISTRATE JUDGE
CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

POST ARREST SUMMARY

On July 14, 2008, at approximately 0013 hrs, at the San Ysidro Port of Entry, CBP Officer L. Castro was conducting vehicle Primary Inspections on Lane 22 when Ortencia MACIAS (Driver), Crystal Gonzalez-Suarez (Passenger), and Maria Nevarez (Passenger) applied for entry into the United States. MACIAS, Gonzalez-Suarez, and Nevarez all presented California Identification Cards. CBP Officer Castro received two negative Customs Declarations from MACIAS, Gonzalez-Suarez, and Nevarez. CBP Officer Castro asked MACIAS who was the registered owner of the vehicle. MACIAS stated the vehicle was her's and had it for a few months. MACIAS presented a counterfeit California Registration Card. CBP Officer Castro noticed a misspelling in the narrative portion of the registration card. CBP Officer Castro asked MACIAS, Gonzalez-Suarez, and Nevarez where they lived and MACIAS responded that they all live in San Diego, California. MACIAS told CBP Officer Castro that they went to Mexico to get something to eat. CBP Officer Castro began his cursory inspection by opening the rear cargo door and looking at the driver side rear panel. CBP Officer Castro used his screwdriver to move a fabric like material behind a rear speaker screen and discovered brown cellophane packages hidden inside. CBP Officer Castro also pried the driver side rear tail light and discovered more packages inside. CBP Officer Castro radioed for assistance and then handcuffed MACIAS for officer safety. CBP Officers from Secondary arrived and escorted MACIAS, Gonzalez-Suarez, and Nevarez to the Security Office. CBP Officer Castro then continued to conduct inspections on lane 22. CBP Officer Castro was later informed the Ford Winstar was used to smuggle narcotics into the United States.

On July 14, 2008, CBP Officer Rachel Kleinwaks was assigned to conduct an inspection on a green Ford Winstar bearing CA/US license plates 4LVL208. The search conducted at secondary by CBP Officer Kleinwaks revealed fifty-three packages in the left and right sliding wall, the dashboard, the front bumper, and the left rear quarter panel of the vehicle. A package was probed, and it field tested positive for marijuana. A total of 53 packages were removed from the vehicle, with a weight of approximately 76.50 kilograms (167.31 pounds) of marijuana.

MACIAS was arrested and charged with 21 USC 952 and 960, Importation of a Controlled Substance, and booked into the Metropolitan Correctional Center in San Diego, CA.

Special Agent
U.S. Immigration & Customs Enforcement